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EXAMINER
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JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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03/23/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/553,347	<b>Applicant(s)</b> SAKAMOTO, KENJI	
	<b>Examiner</b> BLANE J. JACKSON	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 22 December 2008 have been fully considered. The previous Office Action did not address two claim elements of the independent claims correctly with respect to Shigeru and Akio and it is determined that all claim elements including the amended portion based on the original claim 5 for independent claims 1, 4, 9 and 10 are taught by Shigeru. Shigeru, with respect to the Abstract and figure 13, teaches an audio visual controller/ selection center (1) coupled to a plurality of audio and audio/ visual sources (2-6) under the control of a bi-directional wireless remote controller (9). Key to the application of Shigeru is recognizing the remote controller communicates with the control center to identify the control codes for the available audio visual sources.

### ***Information Disclosure Statement***

The Information Disclosure Statements filed 17 January 2006 is made of record.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigeru (JP 06-261372).

As to claims 1 and 9, Shigeru teaches a method and terminal device (remote control (9)) connected, in a communication-enabled manner, with a center device (audio visual system center (1), so that image and/or a sound data is received from the center device, the center device being connected with at least one external device (AV devices 2-6), the terminal device comprising:

A communication section for communicating with the center device (figure 13, Abstract, wireless bi-directional remote controller (9)) and

A control section for controlling an operation of the terminal device (figure 13, remote control (9) inherently includes a processor to control the wireless transmission and user interface),

the control section including:

information acquiring means for acquiring from the center device via the communication section, identification information for identifying the external device (figure 13, Abstract, the remote controller communicates an identification signal transfer command to the AV center (1)),

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to receive from the AV center, an identification signal corresponding to the identify of the externally coupled AV devices (2-6), such as a VCR)

remote-operation data producing means for generating remote-operation data when a remote operation is performed with respect to the external device, the remote-operation data containing (a) remote operation information indicating content of the remote operation, and (b) identification information of the external device to be subjected to the remote operation (Abstract, the AV center (1) communicates to the remote controller (9), an identification signal comprised of the identity and command codes for the individual external AV devices in response to the received identification signal transfer command from the remote control), and

remote-operation data transmitting means for transmitting, to the center device via the communication means, the remote-operation data having been generated by the remote-operation data producing means (figure 13, Abstract, the remote control (9) transmits an operation signal to the AV center (1) for operating one of the external AV units (2-6) in accordance to the received identification signal),

Wherein:

The information acquiring means further acquires, from the center device via the communication section, device use information indicating a use status of the external device and the remote operation data producing means, the remote operation data transmitting means, or both means judges based on the device use information whether or not the operation is performed (Abstract, the AV center (1) inherently identifies and monitors the coupled external AV devices (2-6), such as a VCR, to enable generation of

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the content of the identification signal, the identity and unique command codes, for display on the remote control (9)).

As to claim 2 with respect to claim 1, Shigeru teaches the terminal device comprising a remote-controller signal receiving section for receiving a remote-controller signal from a remote-controlling device for use in remotely operating the terminal device, wherein the remote-operation data producing means of the control means generates the remote-operation data, based on the remote-controller signal received by the remote-controller signal receiving means (figure 13, Abstract, the remote controller (9) wirelessly communicates with the AV center (1) to prompt for and receive the identification information for the external AV devices).

As to claim 3 with respect to claim 2, Shigeru teaches the remote-operation data producing means generates remote-controller information, based on the remote-controller signal, and adds the identification information to the remote-controller information, so as to generate the remote-operation data (figure 13, Abstract, the AV center (1) generates an identification signal comprising the identity and command codes for the individual external AV devices which is transmitted to the remote controller when prompted with the identification signal transfer command from the remote controller).

As to claims 4 and 10, Shigeru teaches a method and center device (audio visual (AV) system center (1)) to which at least one external device (AV devices (2-6) is

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connected, for transmitting image and/or sound data to a terminal device (wireless bi-directional remote control (9)), the center device comprising:

A communication section for communicating with the terminal device (figure 13, Abstract, AV center (1) wirelessly communicates with the remote controller (9)),

A storage section for storing therein identification information for identifying the external device (Abstract, the AV center (1) identifies/ monitors and controls the coupled external AV devices), and

A control section for controlling an operation of the center device (figure 13, Abstract, the AV center (1) identifies/ monitors and controls the coupled external AV devices),

the control means including:

identification information transmitting means for transmitting to the terminal device via the communication section, the identification information stored in the storage section (Abstract, the AV center (1) generates an identification signal comprising the identity and command codes for transmission to the remote control (9)),

remote-operation data acquiring means for acquiring, from the terminal device via the communication section, remote-operation data for remotely operating the external device, the remote-operation data containing (a) remote- controller information indicating content of the remote operation, and (b) identification information of the external device to be subjected to the remote operation (Abstract, the AV center (1) communicates to the remote controller (9), an identification signal comprised of the

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identity and command codes for the individual external AV devices in response to the received identification signal transfer command from the remote control),

remote control means for remotely operating, in accordance with the remote-controller information in the remote-operation data, the external device corresponding to the identification information in the remote-operation data acquired by the remote-operation data acquiring means (figure 13, Abstract, the remote control (9) transmits an operation signal to the AV center (1) for operating one of the external AV units (2-6) in accordance to the received identification signal),

Wherein:

The storage section further stores therein device use information indicating a use status of the external device and the remote operation data producing means and the remote operation means judges, based on the device use information, whether or not the remote operation is performed (Abstract, the AV center (1) inherently identifies and monitors the coupled external AV devices (2-6), such as a VCR, to enable generation of the content of the identification signal, the identity and unique command codes, for display on the remote control (9)).

Claims 5 and 15 are cancelled.

As to claim 6 with respect to claim 4, Shigeru teaches the center device comprises an infrared transmitting section for transmitting a signal, in a form of infrared



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light, to the external device, the signal being used for the remote control means to remotely operate the external device (Abstract, wireless bi-directional remote control).

As to claims 7 and 8 with respect to claim 1, Shigeru teaches the terminal device is connected, in a communication-enabled manner, with the center device (Abstract, wireless bi-directional remote control of the AV center (1)).

As to claims 11, 14 and 15 with respect to claims 1, 2 and 3, Shigeru teaches a terminal device controlling program for operating the terminal device, the terminal device controlling program causing a computer to function as the control section (figure 13, Abstract, remote control (9) inherently comprising a controller to control wireless communication and the user interface, buttons and display).

As to claim 12 with respect to claim 4, Shigeru teaches a center device controlling program for operating the center device, the center device controlling program causing a computer to function as the control means (Abstract, the AV center (1) comprises a CPU (112) based system to communicate with the remote control (9) and manage the coupled external AV devices).

As to claim 13 with respect to claim 1, Shigeru teaches a computer-readable recording medium storing the terminal device controlling program and/or the center

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device controlling program (figure 13, AV center (1) comprises memory (113) to support the CPU (112) as is common in the art).

### ***Allowable Subject Matter***

Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Reference the attached Cited References for the prior art made of record and not relied upon but considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANE J. JACKSON whose telephone number is (571)272-7890. The examiner can normally be reached on Monday through Thursday, 8:30 AM-7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blane J Jackson/  
Examiner, Art Unit 2618